

AN ORDINANCE

99371

ADOPTING THE FISCAL YEAR 2004-2005 HOUSING OPPORTUNITIES FOR PERSONS WITH AIDS ENTITLEMENT GRANT (HOPWA) IN THE AMOUNT OF \$1,027,000.00 AS CONTAINED IN THE FISCAL YEAR 2004-2005 CONSOLIDATED PLAN ANNUAL BUDGET; AUTHORIZING THE FISCAL YEAR 2004-2005 HOPWA PROGRAM; DESIGNATING THE FISCAL YEAR 2004-2005 HOPWA PROGRAM FUNDS; APPROPRIATING THE FISCAL YEAR 2004-2005 PROGRAM FUNDS IN THE AMOUNT OF \$1,027,000.00; ALLOCATING PROGRAM FUNDS TO PROJECTS; ESTABLISHING ACCOUNTS; DELINEATING PROGRAM RESPONSIBILITIES; AUTHORIZING PERSONNEL CLASSIFICATIONS AND PAY RANGES; AUTHORIZING THE REPROGRAMMING OF HOPWA FUNDS IN THE AMOUNT OF \$155,296.00 AVAILABLE FROM THE FY2002 HOPWA FUNDS FROM HOUSE OF HOPE TO THE SAN ANTONIO AIDS FOUNDATION (SAAF) IN THE AMOUNT OF \$43,296.00, HOPE ACTION CARE IN THE AMOUNT OF \$12,000.00 AND BEAT-AIDS, INC. IN THE AMOUNT OF \$100,000.00; AUTHORIZING THE CLOSE-OUT AND CANCELLATION OF AFFECTED PROJECTS AND PROJECT BUDGETS; REVISING THE APPROPRIATE PROJECT BUDGETS; AND AUTHORIZING THE EXECUTION AND SUBMISSION OF CONTRACTS AND OTHER DOCUMENTS AS NECESSARY IN CONNECTION THEREWITH; AND PROVIDING FOR PAYMENT; AUTHORIZING EXECUTION OF ALL REQUIRED CONTRACTS AND RELATED DOCUMENTS IN CONNECTION WITH THE FISCAL YEAR 2004-2005 HOPWA PROGRAM AND THE PROJECTS THEREUNDER; AND THE SUBMISSION OF THE HOPWA GRANT TO THE U.S. DEPARTMENT OF HOUSING AND URBAN DEVELOPMENT (HUD) FOR FISCAL YEAR 2004-2005 CONSOLIDATED PLAN ANNUAL BUDGET, CERTIFICATION AND OTHER INFORMATION AS REQUIRED TO HUD.

★ ★ ★ ★ ★

WHEREAS, the U.S. Department of Housing and Urban Development (HUD), pursuant to the Housing and Community Development Act of 1974, as amended (Public Law 93-383), provides cities with annual grant support to enable the acquisition and/or rehabilitation of facilities, supportive services and operations in their urban communities so as to improve conditions for persons with HIV/AIDS and their families; and

WHEREAS, the City of San Antonio, through its Housing Opportunities for Persons with AIDS Entitlement Grant (HOPWA) Program, has administered HOPWA Entitlement grant funds annually beginning with fiscal year 1995-1996 (Year 1) and continuing through fiscal year 2003-2004 (Year 9); and

WHEREAS, pending completion of all required administrative procedures required for official HUD release of funds, fiscal year 2004-2005 HOPWA Entitlement funds in the amount of \$1,027,000.00 will become available to the City; and

WHEREAS, as required by federal regulation, the Fiscal Year 2004-2005 Consolidated Plan Annual Budget was prepared, encompassing grant funds of the 30th Year CDBG, 13th Year HOME, 10th Year Emergency Shelter Grant and the 10th Year Housing Opportunities for Persons with AIDS Grant; and

WHEREAS, citizen recommendations regarding the allocation of the aforesaid grant funds have heretofore been received at neighborhood and city-wide meetings and at public hearings, notices of which were duly posted; and

WHEREAS, pursuant to applicable HUD regulations designed to ensure adequate citizen input, a public hearing is required in this instance; and

WHEREAS, the required notice having been duly published, and said public hearing having been held before City Council on June 24, 2004, it is now the desire of the City, having considered the aforesaid citizen recommendations, to approve the HOPWA Budget as part of the Fiscal Year 2004-2005 Consolidated Plan Annual Budget and to fund the 10th Year HOPWA Program on the City's books; and

WHEREAS, in the administration of the Housing Opportunities for persons with AIDS Grant (HOPWA) Program, funds available in previously-appropriated projects may pursuant to regulations of the U.S. Department of Housing and Urban Development (HUD), be retained by grantees for reprogramming to provide supplementation to existing projects and/or funding in support of new programs; and

WHEREAS, the City is a HOPWA fund grantee; and

WHEREAS, in connection with the current HOPWA Programs, the sum of \$155,296.00 is currently available in FY 2002 HOPWA funds for said reprogramming and allocation; and

WHEREAS, pursuant to applicable HUD regulations, statutory requirements and/or City Council policy designed to ensure adequate citizen input, a public hearing is required prior to any reprogramming or modification to HOPWA funds and projects, respectively and prior to the adoption of activities under the City's Community Development Program; and

WHEREAS, the required notice having been duly published, and said public hearing having been held before City Council on June 24, 2004, it is now the desire of the City to formally resolve the issues of allocating reprogrammable HOPWA funds; **NOW THEREFORE**;

BE IT ORDAINED BY THE CITY COUNCIL OF THE CITY OF SAN ANTONIO:

SECTION 1. The Housing Opportunities for Persons with AIDS Entitlement Grant (HOPWA) Program Budget of the Fiscal Year 2004-2005 Consolidated Plan Annual Budget is hereby approved and adopted as set forth therein, copies of which are affixed hereto and incorporated by reference herein as Attachment I.

SECTION 2. The Fiscal Year 2004-2005 Housing Opportunities For Persons With AIDS Entitlement Block Grant (HOPWA) Program beginning October 1, 2004 and terminating September 30, 2005 is hereby authorized.

SECTION 3. The City Manager, or, in her stead, either the Deputy City Manager, an Assistant City Manager, an Assistant to the City Manager or the Housing and Community Development Director is hereby authorized to submit to HUD those documents set forth herein as Attachment I, with certifications, as well as such other information as required by the U.S. Department of Housing and Urban Development (HUD) for award of the aforesaid entitlement funds.

SECTION 4. Subject to and upon award of the aforesaid grant funds, the City Manager, or, in her stead, either the Deputy City Manager, an Assistant City Manager, an Assistant to the City Manager, the Housing and Community Development Director or the Director of Community Initiatives is hereby authorized to accept same and to execute any and all documents required by HUD in connection therewith.

SECTION 5. Fund No. 26-054111 entitled, "HOPWA FISCAL YEAR 2004-2005 ENTITLEMENT GRANT" is hereby designated for use in accounting for the above-stated grant and the sum of \$1,027,000.00 is hereby appropriated in said fund for allocation to projects as set out in the detailed budget affixed hereto and incorporated herein for all purposes as Attachment I.

SECTION 6. The City Manager, or in her stead, either the Deputy City Manager, an Assistant City Manager, an Assistant to the City Manager, the Director of Housing and Community Development or the Director of Community Initiatives is hereby authorized and directed to carry out the administration of the Fiscal Year 2004-2005 HOPWA Program. Such administration shall include, but not be limited to, the execution of any and all contracts and other documents necessary in connection with the Fiscal Year 2004-2005 HOPWA Program, an example of which, is affixed hereto in substantially final form, and incorporated herein for all purposes as Attachment II, and the reaffirmation of any and all assurances required of the City by HUD, and shall also include the execution of a professional services contract for the development and implementation of a needs assessment on housing for persons with HIV/AIDS in connection with the Fiscal Year 2004-2005 HOPWA Program.

SECTION 7. The Director of Community Initiatives is hereby designated the Program Manager for the HOPWA Program. Further program responsibilities shall be as follows:

- (a) The Community Initiatives Department shall administer and monitor all HOPWA programs and fiscal activities and requests; shall monitor, where applicable, fair housing compliance and shall administer the handling and resolution of complaints related thereto;
- (b) The Human Resources Department shall monitor all projects and sub-agencies as necessary for compliance with all equal employment opportunity rules, regulations, policies and laws;
- (c) The Department of Economic Development shall monitor all projects and sub-agencies as necessary for compliance with local, state and federal MBE-WBE rules, regulations, policies and laws; and

- (d) The Internal Review Office shall accomplish fiscal and program compliance audits of the sub-grantee agencies in the Fiscal Year 2004-2005 HOPWA program in compliance with OMB A-133, and in coordination with the City's annual independent audit.

SECTION 8. The personnel classifications and pay ranges set forth in Attachment I affixed hereto and incorporated herein for all purposes are hereby authorized for carrying out aspects of the approved Fiscal Year 2004-2005 HOPWA Program.

SECTION 9. Revisions to the FY 2002 Housing Opportunities for Persons with AIDS Grant (HOPWA) projects and the modifications to the budgets and reprogramming in support thereof in the amount of \$155,296.00 is hereby approved in accordance with the budget schedule affixed hereto and incorporated by reference herein for all purposes as Attachment I. Said FY 2002 funds are hereby authorized to be reprogrammed to aid in funding the San Antonio Aids Foundation (SAAF) in the amount of \$43,296.00, Hope Action Care in the amount of \$12,000.00 and BEAT-AIDS, Inc. in the amount of \$100,000.00, in accordance with Attachment I.

SECTION 10. The appropriations of funds and the budget revision necessitated and scheduled pursuant to the aforesaid Attachment I are hereby authorized for entry into the City's accounting system.

SECTION 11. The Director of the City's Finance Department is hereby authorized to effect on the books of the City the cancellations, revisions and reprogramming in support thereof, set forth in Attachment I. The City Manager, or in her stead, either the Deputy City Manager, an Assistant City Manager, an Assistant to the City Manager, or City's Director of Community Initiatives and/or the Director of Housing and Community Development is hereby authorized to execute any and all contracts and other documents as necessary for (a) implementation of the reductions, revisions and reprogramming set forth in Attachment I and (b) compliance with HUD rules, regulations and procedures, and to submit all certifications and such other information to and as required by HUD.

SECTION 12. The Deputy City Manager, all Assistant City Managers, Assistants to the City Manager, the Housing and Community Development Director and the Community Initiatives Director are hereby designated and authorized as representatives of the City Manager for the purpose of HOPWA program administration and communication with HUD.

SECTION 13. The Community Initiatives Director is hereby authorized to execute any and all agreements with delegate agencies and/or City departments for each project and for the amounts appropriated as delineated in Attachment I. Delegate agency contracts and interdepartmental agreements are hereby required to contain acceptable detailed performance indicators for each project and the information for such contracts and agreements must be finalized by no later than November 1, 2004 in order to facilitate their execution. The Directors of the Community Initiatives and Finance Departments are hereby authorized and directed to automatically cancel and move the full budget allocation provided to any project, including City Department project allocations, for which acceptable performance indicators are not provided, or for which information for contract/interdepartmental agreement execution has not been received by the appropriate City department by November 1, 2004, to the HOPWA Contingency Account in preparation for timely reprogramming to other eligible activities.

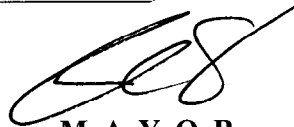
SECTION 14. The Director of the Community Initiatives Department and/or the Director of Housing and Community Development are hereby authorized to cancel and reprogram any and all budget allocations provided to any project, in the event, any delegate agency contract and/or interdepartmental agreement is not executed by January 1, 2005.

SECTION 15. The City Manager, or, in her stead, either the Deputy City Manager, an Assistant City Manager, an Assistant to the City Manager, the Housing and Community Development Director or the Director of Community Initiatives Department is hereby authorized to approve budget adjustments within project allocations to conform with actual expenditures if line item cost overruns occur or are anticipated.

SECTION 16. The City Manager, or, in her stead, either the Deputy City Manager, an Assistant City Manager, an Assistant to the City Manager, the Housing and Community Development Director or the Director of Community Initiatives Department is hereby authorized to complete all documents required by HUD to officially close projects and program financial records following completion of the contracted scope-of-work.


SECTION 17. This ordinance shall be effective on and after the 4th day of July, 2004.

PASSED AND APPROVED this 24th day of June, 2004.


for **MAYOR**
EDWARD D. GARZA

ATTEST:


City Clerk

APPROVED AS TO FORM: 
for City Attorney